HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1650 (SS) OF 2003

(Old No. 6023 of 1996)

Vishwambhar Dayal Masiwal,
Aged about 58 years,
S/o Sri Ram Masiwal,
R/o Ranikhet Road, Ram Nagar, District- Nainital.

.....Petitioner

Versus

1. State of U.P. through the Secretary Department of Irrigation Government of Uttar Pradesh, Lucknow.
2. Chief Engineer, Department of Irrigation, Government of Uttar Pradesh, Lucknow.
3. Adhichhan Abhiyanta, Sinchai Karya Mandal, Nainital.
4. Adhishashi Abhiyanta, Koshi Nirman Khand-2, Ram Nagar, Nainital. .....Respondents.

Dated:04.03.2006

Hon'ble Rajesh Tandon, J.

Heard Sri D.S. Patni, Advocate for the petitioner and Standing Counsel for the respondents.

2. By the present writ petition, the petitioner has prayed for a writ of Mandamus commanding the opposite parties to implement the Government Orders dated 23rd December, 1982, 7th February, 1981, 13.01.1965 and 09.02.1981.

3. Briefly stated, according to the petitioner, he was appointed in the department of irrigation on 20th November,

1971 and since then he is working as Work Charge Supervisor in the District of Nainital.

4. Petitioner has submitted that from time to time, Government Orders were passed directing the department to regularize the services of the Work Charge employees, who have completed more than three years of services. He has referred all the relevant government orders passed from time to time in this connection. However, He has retired on 30th November, 1996 vide letter dated 11th July, 1996.

5. The short submission of the petitioner is that he may be given the retirement benefits after considering the government orders dated 23rd December, 1982, 7th February, 1981, 13.01.1965 and 09.02.1981.

6. Grievance of the petitioner is that he has moved representations (Annexure 6, 7 and 8), but the same have not yet been considered.

7. The petitioner has filed an application on 2nd March, 2006 stating therein to the following effect:

> *"2. That through the aforesaid Writ Petition petitioner has inter alia prayed for writ in the nature of mandamus commanding the Respondent to implement the Government order dated 23.12.1982, 07.01.1981, 13.01.1965 and 09.02.1981 and further treat the petitioner as a regular employee and give the retiral benefits.*
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> *3. That the petitioner has worked for approximately 25 years."*

8. State Government has not filed any counter affidavit.

9. In view of the aforesaid facts and circumstances, since the petitioner has already retired, respondents are directed to consider the payment of retirement dues and pass an appropriate orders on the representation of the petitioner within a period of six weeks form the date of presentation of the certified copy of this order. However, liberty is given to the petitioner to represent the authority concerned for his grievances considering the payment of the retirement dues after taking into consideration the Government Orders dated 23rd December, 1982, 7th February, 1981, 13.01.1965 and 09.02.1981.

10. Subject to the aforesaid observations, writ petition is allowed. No order as to costs.

04.03.2006 (Rajesh Tandon, J.)

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